

## **REMARKS**

Claims 1-20 are presently pending. Claims 1-20 have been rejected. No claims have been allowed. No claims have been amended, canceled or added herein.

The Final Office Action mailed on July 27, 2007 has been carefully considered by Applicants. Reconsideration in view of the following remarks is respectfully requested.

### **I. Claim Rejections under 35 U.S.C. § 112**

Claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Final Office Action states, “The claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no indication within the specifications of a wager-based gaming machine as disclosed in the claims.” Applicants respectfully traverse.

As an initial matter, Applicants note that the present application was assigned to IGT at the time of filing, and that all inventors were employed by and were obligated to assign the present application to IGT. IGT is the largest maker of wager-based gaming machines in the world, and the design and manufacture of wager-based gaming machines is the principle business endeavor of IGT. Further, the term “gaming machine” is well-understood in the casino and gambling industry to refer to a slot machine, video poker machine, keno machine and/or other types of wager-based gaming machines, and is seen as a more aesthetic term than the alternative term “gambling machine,” which term is rarely used.

As noted in Applicants’ prior Response of March 7, 2007 (Response), the claims as filed recited “gaming machine” as this term is known in the casino and gambling industry, and these claims were only amended to more clearly articulate that wager-based gaming

machines are being claimed, rather than ordinary electronic devices or video games. The scope of the pending claims was not affected thereby, since the only types of gaming machines discussed in the specification as filed are wager-based gaming machines, and because the present invention is set forth as resolving issues that are specific to wager-based gaming machines only. *See, e.g.*, Specification, paragraphs [0003]-[0008] and [0017].

As also noted in Applicants' Response, numerous instances of and references to a wager-based gaming machine can be found in the written description and figures as filed. Initially, the specification notes at the end of paragraph [0003], "One such industry that has traditionally avoided DSPs, for example, is the gaming machine (*i.e., slot machine*) industry." (emphasis added). Slot machines are notoriously well-known to be wager-based gaming machines. Paragraph [0004] of the Background section references the relatively strict nature of *wager-based* gaming machine authorities and regulators, paragraph [0005] references a "line of gaming machines" made by WMS Gaming, Inc., a wager based gaming machine manufacturer, and paragraph [0008] references the popular "Wheel of Fortune" wager-based gaming machine. Additional wager-based references with respect to the disclosed gaming machines include "a big win" and "an even money payout," as stated in paragraph [0042], and numerous references to a "Player Tracking Card," which is a well known feature as a player perk within the wager-based gaming machine industry.

Still further, FIG. 1 and its corresponding description as filed depict a video type wager based gaming machine 10. Within this description of FIG. 1, and particularly at paragraph [0019], reference is made to commonly assigned and co-pending U.S. Patent Application Nos. 09/689,498 and 09/927,901, both to LeMay et al. It is indisputable that both of these other applications disclose and claim wager-based gaming machines. In fact, FIG. 1A from the first of these applications and FIG 3 from the second of these applications are substantially similar to FIG. 1 of the present case, with the corresponding descriptions of

these FIGS. 1A and 3 in these other applications expressly reciting wagering game functions and abilities. Most importantly, the present specification identifies each of these two other applications, then states and then repeats, “which application is incorporated herein in its entirety and for all purposes.” Accordingly, under the rules of incorporation by reference, it is clear that the present specification does indeed disclose wager-based gaming machines, even if for no other reason than this.

Given the foregoing facts and details regarding the inventors, the identity of the assignee at filing, various details within the specification as filed, and the incorporation by reference of other applications that expressly discuss wager-based gaming machines, one skilled in the relevant art would understand full well that the term “gaming machine” of the present application and claims refers to a wager-based or “gambling” machine. Applicants thus respectfully submit that there is ample indication within the specification as filed of a wager-based gaming machine as disclosed in the claims. Accordingly, the withdrawal of the pending § 112, first paragraph, rejections is respectfully requested.

## **II. Claim Rejections under 35 U.S.C. § 102**

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,445,187 to Best (“Best”). In particular, the Final Office Action states, “Best discloses a gaming machine . . . [and a] digital signal processor adapted to perform at least one function selected from the group consisting of generating original audio output and modifying existing sound files.” Applicants respectfully traverse these rejections.

In so traversing, Applicants incorporate by reference all remarks from Applicants’ prior Response. In particular, Best does not disclose a “wager-based gaming machine,” a “digital signal processor” (DSP), or a DSP “adapted to generate original audio output [or] modify existing sound files,” as set forth in the context of the present claims. Rather, Best discloses a

simple video game type system that does not have anything to do with bets or wagers, does not include a digital signal processor, and does not include a DSP or similar component that generates original audio output or modifies existing sound files, unlike the advanced wager-based gaming machines disclosed and claimed in the present application. As such, Best does not anticipate any of the present claims for numerous separate reasons.

In addressing Applicants' prior remarks on these points, the Final Office Action states, "It is obvious that while Best does not disclose a wager-based game, the scope of the invention easily encompasses that of a wager-based game." The pending § 102 rejections are by default inappropriate, since the Final Office Action expressly admits that Best does not disclose every element of the pending claims. A teaching of every claim element in a single reference is required for a proper § 102 rejection. Applicants again note that each of independent claims 1, 11 and 17 recites a "wager-based gaming machine." Because Best does not disclose such a wager based gaming machine, Best does not anticipate any of independent claims 1, 11 or 17 for at least this reason. Because all dependent claims depend from one of claims 1, 11 or 17, Best does not anticipate any dependent claim either for at least the same reason.

In the interests of furthering prosecution within the present response, Applicants also respectfully submit that any potentially similar § 103 rejections on this same point would also fail. Applicants are not claiming to have invented the use of a DSP in a simple video game. Rather, as set forth in the specification as filed, there are stricter standards and regulatory concerns with respect to the use of multiple intelligent processors (such as a DSP) in a *wager-based* gaming machine. Applicants again reference the Background section as filed, particularly paragraphs [0003]-[0008], to point out that the present invention is specifically designed to allow for the introduction of a DSP having robust functionality in a *wager-based* gaming machine, in such a way so as to allow for acceptance with gaming regulators. Thus, one would not look to gaming machines that are not wager-based for solutions in this regard.

It is well known to those of skill in the wager-based gaming arts that there are many significant differences between ordinary video game machines and wager-based gaming machines. While some solutions in one industry may carry over to the other, there are many applications that simply do not. The use of multiple, disparate, intelligent processors in a single machine, as may be the case of DSPs in relatively unregulated and uncontrolled video games, is simply not a technological area that carries over well in the highly regulated wager-based gaming machine industry.

As also noted previously, Best does not disclose a digital signal processor. Rather, Best discloses only a simple digital to analog converter (D-A converter), which is not the same as a digital signal processor, as that term is known to those skilled the art. In response to the prior Response, the Final Office Action states, “it should therefore be obvious to one of ordinary skill in the art at the time of the invention to incorporate a digital signal processor with a digital-to-analog converter into Best’s disclosed invention as taught by the Illustrated Dictionary of Electronics.” Applicants again point out that the pending rejections are § 102 rejections over Best only, and are not § 103 rejections over Best and/or any other reference. Accordingly, the pending rejections again fail by admission of the Final Office Action itself.

Each of independent claims 1, 11 and 17 recites a “digital signal processor.” Because Best does not disclose a digital signal processor, Best does not anticipate any of independent claims 1, 11 or 17. Because all dependent claims depend from one of claims 1, 11 or 17, Best does not anticipate any dependent claim either for at least this same reason.

Still further, Best does not disclose a DSP or similar component adapted to generate original audio output or modify existing sound files. As noted above, the Office Action has referenced a simple D-A converter in Best as being an alleged digital signal processor. Applicants respectfully submit that even if such a D-A converter were to be considered a DSP, that this simple device is still not adapted to generate original audio output or modify existing

sound files. As is generally known to those skilled in the art, these are functions that might be performed by a true DSP, but never by a simple D-A converter.

Applicants incorporate by reference from the earlier Response further details regarding these distinctions and functions of the DSP as claimed, and note that these details were simply not addressed in the Final Office Action. Applicants again note there is no claim to inventing the use of a DSP in an electronic device. Rather, the present invention is made specifically with respect to the specialized implementation and use of a fully functional DSP in a wager-based gaming machine. Such a specialized implementation is noticed by many of the pending claim elements that recite details that simply have not been accounted for in Best.

Accordingly, Applicants respectfully request that a more complete and appropriate correlation be made between recited DSP details in the present claims and the locations within the prior art that allegedly teach such DSP details. Absent such a complete correlation, the rejections of various DSP details in the pending claims are improper.

For at least each of the foregoing reasons, separately and collectively, withdrawal of the pending § 102 rejections is respectfully requested.

## **CONCLUSION**

Applicants respectfully submit that all claims are in proper form and condition for patentability, and requests a Notification of Allowance to that effect. Consideration for an RCE and a one-month extension of time petition is being submitted herewith. Should such consideration be inadvertently omitted, and/or should any other fee be required for any reason related to this document, then the Commissioner is hereby authorized to charge said fee to Deposit Account No. 50-0388, referencing Docket No. IGT1P095. If there are any questions or issues remaining, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,  
BEYER WEAVER LLP

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